

COPY

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WAIVER OF SERVICE OF SUMMONS
2001 AUG 13 AM 8:59

TO: James Lee Wagner
(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of Wagner VS Ward, et al., which is case number 1:CV-00-1290 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after July 27, 2001 (date request was sent), or within 90 days after that date if the request was sent outside the United States.

August 9, 2001

DATE

Patrick S. Cawley

SIGNATURE

Printed/typed name: Patrick S. Cawley

Title, if any: Deputy Attorney General

Address of Person signing: Office of Attorney General, Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

Party you represent: William F. Ward, Gary Lucht, Barbara Drescher, Richard Kipp, Benjamin Martinez, Nicholas J. Meder, Sean Ryan and Michael Webster
FINED
SCRANTON

AUG 13 2001

PER [Signature]
DEPUTY CLERK

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

MIDDLE

DISTRICT OF

PENNSYLVANIA

JAMES LEE WAGNER
Plaintiff

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 1:CV-00-1290

WILLIAM F. WARD, GARY LUCHT, BARBERA DESCHER,
RICHARD KPPP, BENJAMIN MARTINEZ, NICHOLAS MULLER,
SEAN RYAN, AND MICHAEL WEBSTER,
Defendants

TO: (Name and address of defendant)

(SEE COMPLT.)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

James Lee Wagner
SCI at Rockview
BK 5396
P.O.Box A
Bellefonte, Pa.16823

an answer to the complaint which is herewith served upon you, within (20) Twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mary E. D'Andrea, Clerk
CLERK

July 19, 2001
DATE

George T. Gardner
(BY) DEPUTY CLERK George T. Gardner